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In re Application of :
BERGENWALL et al. :
Application No.: 10/070,212 :
PCT No.: PCT/EP00/03478 :
Int. Filing Date: 17 April 2000 :
Priority Date: 13 September 1999 :
Attorney Docket No.: 4925-213PUS :
For: ADVANCE SERVICE ARCHITECTURE
FOR NEXT GENERATION NETWORK
SERVICE AND INTELLIGENT DATA
NETWORK ROUTER

DECISION ON REQUEST
UNDER 37 CFR 1.497(d)

This decision is in response to "Petition under 37 CFR 1.497(d)" filed 24 September 2002.

BACKGROUND

On 17 April 2000, applicants filed the above-captioned international application, which claimed a priority date of 13 September 1999 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 March 2001. The international application named Martin Bergenwall; Kengatharan Sivalingam; and Sami Uskela as applicant/inventors. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 13 March 2002.

On 28 February 2002, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a basic national fee of \$840, a translation of the international application, and a preliminary amendment.

On 19 March 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.492(a) and (b) and the surcharge 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 12 June 2002, applicants filed a declaration naming as inventors and signed by Martin Bergenwall; Kengatharan Sivalingam; Sami Uskela; Hakan Mitts; Petteri Poyhonen; Aapo Rautiainen; Mari Nieminen; Eva-Maria Leppanen; Lucia Tudose; and Andrei Kruger.

On 23 August 2002, the PCT Legal mailed "Notification Regarding Defective Declaration and Requirement for New Declaration or Request Under 37 CFR 1.497(d)" indicating that the declaration filed 12 June 2002 was defective because the declaration sets forth additional inventors who had not been named in the international application.

On 24 September 2002, applicants filed the present request which included: a consent of assignee; an executed assignment; and a copy of the declaration filed 24 September 2002.

DISCUSSION

In the instant case, the international application named Martin Bergenwall; Kengatharan Sivalingam; and Sami Uskela as applicant/inventors. Applicants request to add Hakan Mitts; Petteri Poyhonen; Aapo Rautiainen; Mari Nieminen; Eva-Maria Leppanen; Lucia Tudose; and Andrei Kruger as applicant/inventors. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

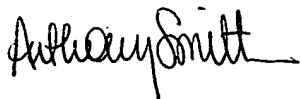
Applicants have satisfied items (1), (2), (3) and (4).

CONCLUSION

The request under 37 CFR 1.497(d) is GRANTED.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 17 April 2000 and a date of **12 June 2002** under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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